



City of Loma Linda Official Report

Karen Gaio Hansberger, Mayor
Floyd Petersen, Mayor pro tempore
Robert Christman, Councilmember
Stan Brauer, Councilmember
Robert Ziprick, Councilmember

COUNCIL AGENDA: August 24, 2004
TO: City Council
VIA: Dennis R. Halloway, City Manager
FROM: Pamela Byrnes-O'Camb, City Clerk
SUBJECT: Minutes of July 26, 2004

RECOMMENDATION

It is recommended that the City Council approve the Minutes of July 26, 2004.

City of Loma Linda

City Council Minutes

Adjourned Regular Meeting of July 26, 2004

An adjourned regular meeting of the City Council was called to order by Mayor pro tempore Petersen at 5:17 p.m., Monday, July 26, 2004, in the City Council Chamber, 25541 Barton Road, Loma Linda, California.

Councilmen Present:

Mayor Karen Gaio Hansberger
(Arrived 5:45 p.m.)
Mayor pro tempore Petersen
Robert H. Christman
Stan Brauer
Robert Ziprick

Councilman Absent:

None

Others Present:

City Manager Dennis Halloway
City Attorney Richard E. Holdaway

CC-2004-090 – Closed Session – Conference with Labor Negotiator Dennis R. Halloway pertaining to Meet and Confer process relating to Loma Linda Firefighters Local 3603 (Government Code Section 54957.6)

The City Council, absent Mayor Hansberger, immediately recessed to consider the closed session item as listed, and reconvened at 5:40 p.m. with all members present except Mayor Hansberger. The City Attorney announced that the City Council met with its Negotiator and gave direction. There was no final action to report.

Mayor pro tempore Petersen led the Invocation and Pledge of Allegiance.

[Mayor Hansberger arrived at 5:45 p.m. and assumed the Chair.]

No items were added or deleted. No conflicts of interest were noted.

Oral Reports/Public Participation

Cole Smith, 26470 First Street, spoke regarding the development at First Street and Whittier Avenue, Tract 14522, opposing the proposed sound wall. It was noted that the project had been re-designed to accommodate the desires of those living across the street on First Street, and the sound wall was a mitigation measure.

Valerie Gallant, 26284 Cresthaven Court, stated that she was one of the circulators of the petition submitted at the last meeting relating to Tentative Tract 16323.

Scheduled and Related Items

CC-2004-091 – Public Hearing – Council Bill #R-2004-39 – Determining costs related to the Spring 2004 Weed Abatement Program

The Public Hearing was opened and Fire Prevention Inspector Patterson presented the report into evidence, including an updated list of parcels for which payment had not been received. No other public testimony was offered and the public hearing was closed.

Motion by Petersen, seconded by Brauer and unanimously carried to adopt Council Bill #R-2004-39.

Resolution No. 2346

A Resolution of the City Council of the City of Loma Linda adopting a report and statement of expenses for the Spring 2004 Weed Abatement Program and imposing a lien upon property for payment therefor

CC-2004-092 – Public Hearing – Subdivision of 15 acres into 88 (formerly 95) single-family numbered lots and 9 (formerly 8) lettered lots located on the south side of Mission Road, east of Pepper Avenue and west of and including the Edison Easement

- a. Adopt a Mitigated Negative Declaration
- b. Council Bill #O-2004-02 – (First Reading/Set Second Reading for August 24) Zone Change No. 03-06 to change the zoning from R-1 to Planned Community
- c. Tentative Tract Map 16323 to subdivide 15 acres into 88 single-family lots and 9 lettered lots
- d. Council Bill #O-2004-03 (First Reading/Set Second Reading for August 24) Approving a Development Agreement between Glenn & Heidi Elssmann and the City to assist in providing affordable housing throughout the City

The Public Hearing was opened, and Sr. Planner Lamson presented the report into evidence, stating that the prime issue of those speaking at previous public hearings on this item was density. A workshop was held on July 20 with concerned citizens and the developer to facilitate discussion that might lead to a middle ground or compromise in the design of the project. The main concern expressed at the workshop was density.

Comments offered at the workshop opposed the project's density, the Neo Traditional design concept, and the implementation of the Mission Historic Overlay District Ordinance within the project. Constructive criticism was received as well as comments relating to consideration of traditional lots in the Mission Road area. A summary of the workshop was included in the staff report. She noted that the applicant had revised the plan since the July 20 workshop.

Glenn Elssmann, applicant, addressed the City Council, thanking staff and those participating in the workshop for their efforts. He stated that:

- 1) Eight lots were eliminated.
- 2) Two lots on Mission Road were eliminated and the remaining lots were widened.
- 3) A median was incorporated on Van Leuven Street.
- 4) Safe crossings to the parks and the easement were highlighted, as well as a community garden to the rear of the project.
- 5) Additional connections were made to the landscape island in the middle as well as gateways along the long street.
- 6) Pocket parks were added to line up with the pedestrian trail system.
- 7) The houses were now 10 to 16 feet apart with the majority of the lots being 40 feet wide, thus addressing the side yard concerns.
- 8) There was variation in the front yard set backs and line up of the porches to reduce the lengthy appearance of the project.
- 9) Parking was available on both sides of the street with the exception of the connection to the easement corridor.
- 10) Lots ranged from 2,200 square feet to 3,200 square feet.
- 11) Gross acreage density was 5.3 and net acreage density was 8.2.

[Councilman Christman left at 6:03 p.m.]

- 12) The house prices would range from \$250,000 to \$300,000. The adjacent Ryland Homes prices began at \$400,000.
- 13) The subject project was the smallest project paying for the largest amount of public open space in the City.
- 14) Annual cost to maintain the easement park was approximately \$1,500 per house.

[Councilman Christman returned at 6:09 p.m.]

Others speaking were: James Stocker, 26234 Mission Road; Jay Gallant, 26284 Cresthaven Court; Lillian Miller, 11554 Richmond Road; Dana Perea, 26328 Antonio Circle; Doree Morgan, 26092 Bancroft Street; Georgia Hodgkin, 24360 Lawton; and Jonathon Zirkle, 24247 Barton Road.

A summary of their comments is as follows:

- 1) The project is too dense.
- 2) Lots should be a minimum of 4,000 square feet.
- 3) The Strategic Plan showed a conservation area below Mission Road.
- 4) The General Plan calls for avoidance of urban density in the area.
- 5) There is a demand for housing within the price range of \$200,000 to \$300,000.
- 6) Housing, at an affordable cost, is needed for those employed in the City.
- 7) Flyers about urban sprawl were placed on residents' mailboxes.

- 8) The project provides trails, space, and houses that are affordable.
- 9) The project did not depict urban sprawl.
- 10) The project will greatly increase traffic in the area.
- 11) The houses are proposed on 10 acres rather than 15.
- 12) A building moratorium should be considered.
- 13) 82 homes on 10 acres is too dense.
- 14) The Historical Overlay Zone was intended to influence future development, preserve and enhance the Mission Road area and associated historical and cultural resources, and to preserve and enhance the rural atmosphere of the area.
- 15) Criteria for Neo Traditional design involves 13 standards; the proposed project included only 5 of the criteria.
- 16) In the event of failure of the Homeowners Association, the City would be required to assume HOA responsibilities.

The City Council recessed at 6:53 p.m. and reconvened at 7:00 p.m. withal members present.

Testimony resumed. Those speaking were: Charles Umeda, 25110 Tulip Avenue; Michael Christianson, 25241 Cottage Street; Kurt Swigart and Tami Swigart, 26253 Cresthaven Court; Doug Goodman, 2079 Skyview Drive, Redlands; Wayne Isaef, 24988 Lawton Avenue; Marilyn Roberts, 11652 Pecan Way; Joy Guy, 26067 Bancroft Street; Jon (Yawn) Bakland, 11469 Aster Street; and Ericka Lambert, 26150 Mission Road.

Comments included:

- 1) Density would not be an issue if this project were to be considered on its own merits; without consideration of adjacent projects.
- 2) Neo Traditional concept is being used to justify greater density.
- 3) Greater density in a residential setting is offset by the creation of more open space to avoid urban sprawl.
- 4) Has the Neo Traditional concept been successful in other communities?
- 5) The lot sizes should match those of the adjacent Ryland Homes, 4,200 square feet.
- 6) The driveways are too short.
- 7) A nationally recognized authority for this type of community has identified this project as exemplary.
- 8) The project will provide housing for those who want to be part of a community that others are already enjoying.
- 9) The developer has complied with everything that has been asked of him.
- 10) The power lines are too close to the backyards.
- 11) The Planning Commission should review the project because of the changes made by the developer.
- 12) Everyone has different housing needs.
- 13) The project connects bikeways and walkways.
- 14) No HOA in Loma Linda has failed.
- 15) In order to provide more land for each lot, the 32-foot roadway could be reduced to 28 feet and the 5-foot sidewalks to 4 feet.
- 16) More pocket parks could be added.
- 17) The parcel is a difficult configuration to develop.
- 18) The project doesn't fit the community.
- 19) Apartments would provide more open space.
- 20) Duplexes with the appearance of mansions would fit the area.

No other public testimony was offered and the public hearing was closed. The Mayor declared a recess at 8:33 p.m. The City Council reconvened at 8:42 p.m. with all members present.

Mr. Elssmann addressed the Council, expressing appreciation for the candid comments. He then stated that:

- 1) The project conformed to the General Plan Designation.
- 2) He was involved with other projects on the south side of Mission Road: one of which was currently under construction, the subject project, and another, which was also scheduled for a public hearing tonight.
- 3) All of the projects followed the procedures and processes established by the City.
- 4) The projects were reviewed by the Historical Commission and Planning Commission and were approved.
- 5) The subject project provided high quality architecture and many amenities.
- 6) Experts in the field of Neo Traditional Development Design were utilized to design the project.

- 7) The project complied with the objectives of the livable walkable communities, which was one of the objectives of the Mission Road Overlay Zone.
- 8) Future development would be providing the commercial component of a Neo Traditional development.
- 9) A public school was proposed for the north side of Mission Road, which would enhance the "walkable" feature of the development.
- 10) The density and use was compatible with the existing neighborhood.
- 12) Townhomes and apartments adjacent to the development had a density of 12 units per acre.
- 13) He consulted with Pete Dangermond and the Historical Commission to provide a rural feel and traffic calming features.
- 14) Out of the 11,000 employees of the various institutions in the City, only 2,000 lived in the community.
- 15) The project proposed to provide housing for some working in the community, but living elsewhere.

Extensive discussion ensued among the Council Members concerning: 1) opposition to the project even though it was approved by the Planning Commission and extensive changes were made subsequently; 2) Neo Traditional design; 3) further reduction in the number of units; 4) ownership units versus rental units; 5) support for the project from the Medical Center and University; 6) willingness of LLU/LLUMC to expand the shuttle service to include the subject community; 7) impact of reduction of units on maintenance of amenities; and 8) inclusion of some single-story units.

Motion by Ziprick, seconded by Christman, and unanimously carried to amend the proposal by reducing the number of lots to 70.

Motion by Petersen, seconded by Ziprick and unanimously carried to reduce the width of the long, narrow street from 32 feet to 28 feet, subject to concurrence of the Director of Public Safety.

Motion by Ziprick, seconded by Brauer and unanimously carried to direct staff to consult with Special Counsel regarding financial assistance by the Redevelopment Agency or General Fund relating to maintenance of the open space.

Motion by Brauer, seconded by Christman and unanimously carried to require the Homeowners Association to maintain the area from the street to the front facade as well as the fence line between the houses.

Motion by Petersen, seconded by Ziprick and unanimously carried to adopt a Mitigated Negative Declaration.

Motion by Petersen, seconded by Christman and unanimously carried to introduce Council Bill #0-2004-02 on First Reading relative to Zone Change 03-06 and to schedule the Second Reading for August 24.

Motion by Petersen, seconded by Ziprick and unanimously carried to approve Tentative Tract Map 16323 as amended by the previous motions.

Motion by Petersen, seconded by Brauer and unanimously carried to introduce Council Bill #O-2004-03 on First Reading relating to the Development Agreement, and to set the Second Reading for August 24.

CC-2004-093 - Public Hearing – Subdivision of 37.59 acres into 263 single-family numbered lots and 8 lettered lots for parks and open space on the south side of Mission Road, east of Pepper Way and the Southern California Edison Easement, west of California Street (APN 0292-121-37, 40, 64, 78, 79, and 80)

- a. Adopt a Mitigated Negative Declaration
- b. Council Bill #R-2004-24 - General Plan Amendment 04-01 to change the General Plan designation from Mobile Home Subdivision to Mixed Use
- c. Council Bill #O-2004-04 (First Reading/Set the Second Reading for August 24) – Zone Change 04-01 from no zoning to Planned Community (PC)
- d. Tentative Tract Map 16730 to subdivide 37.59 acres into 263 single-family small lots with 8 lettered lots for parks and open space
- e. Precise Plan of Design (PPD) 04-03
- f. Council Bill #O-2004-05 (First Reading/Set the Second Reading for August 24) – Approving a Development Agreement between American Pacific Homes and the City to assist with future affordable housing needs throughout the City

It was suggested that due to the lateness of the meeting, the public hearing be continued to August 24. The Mayor opened the public hearing and asked for testimony from those who could not attend the August 24 meeting. Kurt Swigart, 26253 Cresthaven Court, indicated he would submit his comments in writing. No others offered testimony.

City Attorney Holdaway noted that under the Permit Streamlining Act, it was appropriate to have the applicant consent to a continuance in that the current deadline was August 7. A continuance of up to 90 days, November 7, would be appropriate.

John Snell of American Pacific Homes expressed his reluctance to agree to a continuance of up to 90 days, but agreed to continue the item to August 24.

CC-2004-094 – Consent Calendar

Motion by Brauer, seconded by Petersen and unanimously carried to approve the following items:

The Demands Register dated June 30, 2004 with commercial demands totaling \$232,840.69.

The Demands Register dated July 26, 2004 with commercial demands totaling \$129,820.03 and payroll demands totaling \$178,836.03.

The Minutes of July 13, as presented.

The June 2004 Treasurer's Report for filing.

Award of contract for sewer line rehabilitation by cured in place pipe (CIPP) method to Insituform Technologies, Inc. in the amount of \$139,804 with a contingency allocation of \$21,000.

Council Bill #R-2004-35.

Resolution No. 2347

A Resolution of the City Council of the City of Loma Linda, California, modifying wages hours, and other terms and conditions of employment for members of the Loma Linda Professional Firefighters Local 3603

Old Business

CC-2004-095 – Appointment of one member to the Trails Development Committee (Continued from July 13)

Motion by Ziprick, seconded by Petersen and unanimously carried to continue the item to August 24.

New Business

CC-2004-096 – Designate Voting Delegate for the League of California Cities 2004 Annual Conference to be held September 17 through September 19 in Long Beach

By common consent City Manager Halloway or any member of the City Council in attendance was designated the Voting Delegate.

Reports of Councilmen

Councilman Ziprick asked that Peter Calthorpe be requested to review the projects proposed for the Mission Road area.

No reports of Commissions/Committees or Officers were offered.

The meeting adjourned at 10:32 p.m.

Approved at the meeting of